

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 40cdh/229165	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2004/000472	International filing date (day/month/year) 22.01.2004	Priority date (day/month/year) 25.03.2003	
International Patent Classification (IPC) or national classification and IPC			
Applicant HYDAC TECHNOLOGY GMBH			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/000472

Box No. I

Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-9 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-7 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/2-2/2 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/000472

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims		YES
	Claims	1-6	NO
Inventive step (IS)	Claims		YES
	Claims	1-7	NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
1. This report refers to the following documents:			
D1: WO 02/12731 A (KITAHARA TOSHIKI; YUDA AKIO (JP); NOK CORP (JP)), 14 February 2002 (2002-02-14), and EP 1 308 634			
D2: DE 739 831 C (JOHANNES RAUH), 6 October 1943 (1943-10-06)			
D3: FR 985 370 A (SIMMONDS AEROCESSORIES), 18 July 1951 (1951-07-18)			
D4: US 4 041 990 A (RUNKLE DEAN E ET AL), 16 August 1977 (1977-08-16)			
2. <u>INDEPENDENT CLAIM 1</u>			
2.1 The application fails to meet the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel (PCT Article 33(2)). Document D1 discloses the following (the references in parentheses are to D1):			
A piston-type accumulator with an accumulator housing taking the form of a cylindrical tube (3) in which a separating piston (7) that separates two working spaces (8, 9) from each other is able to			

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

move in the axial direction within a piston stroke portion of the cylindrical tube (3), the accumulator housing being closed at both axial ends by closure parts (3a), at least one of which is integral with the wall of the cylindrical tube (3) as a result of the forming of a shaped portion (3b) of said wall adjacent to the piston stroke portion; wherein a stop element (17) is provided inside the cylindrical tube (3) at the transition between the piston stroke portion and the shaped portion (3b) to limit the movement of the separating piston (7) before it reaches the shaped portion (3b).

- 2.2 Other devices having the features specified in claim 1 are also known from document D2 (see in particular page 2, lines 82 to 92, and figure 1) and document D3 (see in particular page 3, left-hand column, third paragraph, and figure 1).

3. DEPENDENT CLAIMS

Dependent claims 2 to 7 do not appear to contain any additional features that meet the PCT requirements in respect of novelty or inventive step when combined with the features of any of the back-referenced claims. The reasons for this are as follows:

3.1 Regarding claims 2 to 6:

The subject matter of claims 2 to 6 lacks novelty (PCT Article 33(2)) (see document D1, especially EP 1 308 634, paragraphs [0036] to [0038] and figures 1 and 2).

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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3.2 Regarding claim 7:

The additional features specified in claim 7 do not involve an inventive step (PCT Article 33(3)). The same features have already been used for the same purpose in a similar device (see document D4, in particular column 3, lines 37 to 39, and figure 1). A person skilled in the art wishing to achieve the same purpose with a device as described in D1 could easily incorporate the features known from D4 with similar results. It would thus be possible to arrive at a device as defined in claim 7 without making an inventive contribution.

4. INDUSTRIAL APPLICABILITY

The claimed subject matter can be manufactured and used and is therefore considered industrially applicable.